



# ENVIRONMENTAL RESTORATION

*U.S. Army Environmental Center*

## NATIONAL PRIORITIES LIST (NPL) DELETION (WHAT DO YOU HAVE TO DO TO GET OFF THAT LIST?)

### Why worry about NPL deletion?

The act of removing an installation from the NPL does nothing to improve the environmental condition of the property. It does nothing to mitigate risks or interrupt source-receptor pathways. So, what makes NPL deletion a worthwhile goal? The answer is simply the ability to show tangible progress in a program that is, to many, including Congress, too slow, too expensive, and getting nowhere. There are other measures of progress that are tracked by DoD and the Army (e.g., studies completed, remedial actions implemented,


sites completed, etc.). The EPA even created the NPL Construction Complete List for the specific purpose of demonstrating short-term success in a long-term program. However, the bottom line is that when we continue to report that X number of installations have been listed on the NPL and X number are still on the list, it takes a politician to sell that as progress. NPL deletion, even when work (e.g., remedial action operations and long-term monitoring) will still be required on that installation for years to come, is a clear sign that the Army has done its job in terms of protecting human health and the environment. The primary objective of the

### What is required for NPL deletion?

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) specifies the following criteria for deletion from the NPL under Section 300.425.(e):

“(e) Deletion from the NPL. Releases may be deleted from or recategorized on the NPL when no further response is appropriate.

- (1) EPA shall consult with the state on proposed deletions from the NPL prior to developing the notice of intent to delete. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria has been met:
  - (i) Responsible parties or other persons have implemented all appropriate response actions required;
  - (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
  - (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.”



restoration program is to protect human health and the environment. Nothing in this fact sheet is designed to reprioritize the administrative effort of NPL deletion above that primary objective. The focus of this fact sheet is the need to recognize, early in the program, what is needed to achieve NPL deletion so all the supporting information is documented and available to support NPL deletion when the time comes.

This section of the NCP continues with specific requirements for state consultation and public notice and involvement in the NPL deletion process.

In OSWER Directive 9320.2-09A-P, “Closeout Procedures for National Priorities List Sites,” January 2000, the EPA provides detailed guidance on the criteria and procedures for NPL deletion. This guidance clarifies the criteria for NPL deletion as well as the process and documentation that must be completed. The EPA has designated “site completion” as the end of all response actions at NPL sites and has established the following criteria for site completion eligibility:

- ❖ Cleanup goals specified in all Records of Decision (ROD) or removals are met;
- ❖ Institutional controls are in place;
- ❖ All Remedial Action (RA) Reports, On-Scene Coordinator (OSC) reports, and Pollution Prevention Reports (POLREP) have been completed;
- ❖ All RODs, ROD Amendments, and Explanations of Significant Differences (ESDs) have been completed;
- ❖ The site is protective of human health and the environment; and
- ❖ The only remaining activities, if any, at the site are operation and maintenance activities that are performed by the State, Federal Facility, or responsible parties.

As defined in the NCP (300.435(f)), Operation and Maintenance are those measures initiated after the remedy has achieved the remedial action objectives and remediation goals in the ROD, and is determined to be operational and functional, except for ground and surface water restoration actions covered under 300.435(f)(4). Section 300.435(f)(4) states: “The following shall not be deemed to constitute treatment or other measures to restore contaminated ground or surface water under Sec. 300.435(f)(3): (i) Source

control maintenance measures; and (ii) Ground or surface water measures initiated for the primary purpose of providing a drinking-water supply, not for the purpose of restoring groundwater.

According to the EPA’s latest NPL closeout procedures (January 2000), “For Federal Facility-lead ground water and surface water restorations, including monitored natural attenuation, O&M starts on the date the designated Regional Official approves the Interim RA Report.” This is consistent with the guidance definition of RA completion for ground water and surface water restoration that states “RA is complete after construction of the treatment plant and monitoring system are completed, the plant/system is operating as intended, and the Interim Remedial Action Report is approved.” Although this appears to allow for NPL deletion prior to achievement of restoration goals, the EPA NPL deletion guidance clarifies that long-term remedial actions for restoration of ground water and surface water do not qualify for NPL deletion prior to achievement of remedial goals. While the site would qualify for O&M status, which is one of the site completion criteria, the site completion criterion of achievement of cleanup goals has not been met.

## Site Completion and NPL Deletion Process

The first step in site completion and NPL deletion is the achievement of Construction Completion (CC). This is the point in the program where all physical construction has been completed for all cleanup actions, all immediate threats have been addressed, and all long-term threats are under control. For facilities with multiple release areas included under their NPL listing (i.e., fence-to-fence or multi-site NPL listings), CC occurs only when all actions are in place for all sites. The Construction Completion process is triggered by completion of the final remedy for the installation. Where contingencies that include additional construction activities are included in the ROD(s), an NPL site may be considered construction complete only if the installation can demonstrate that use of the contingency is not anticipated.

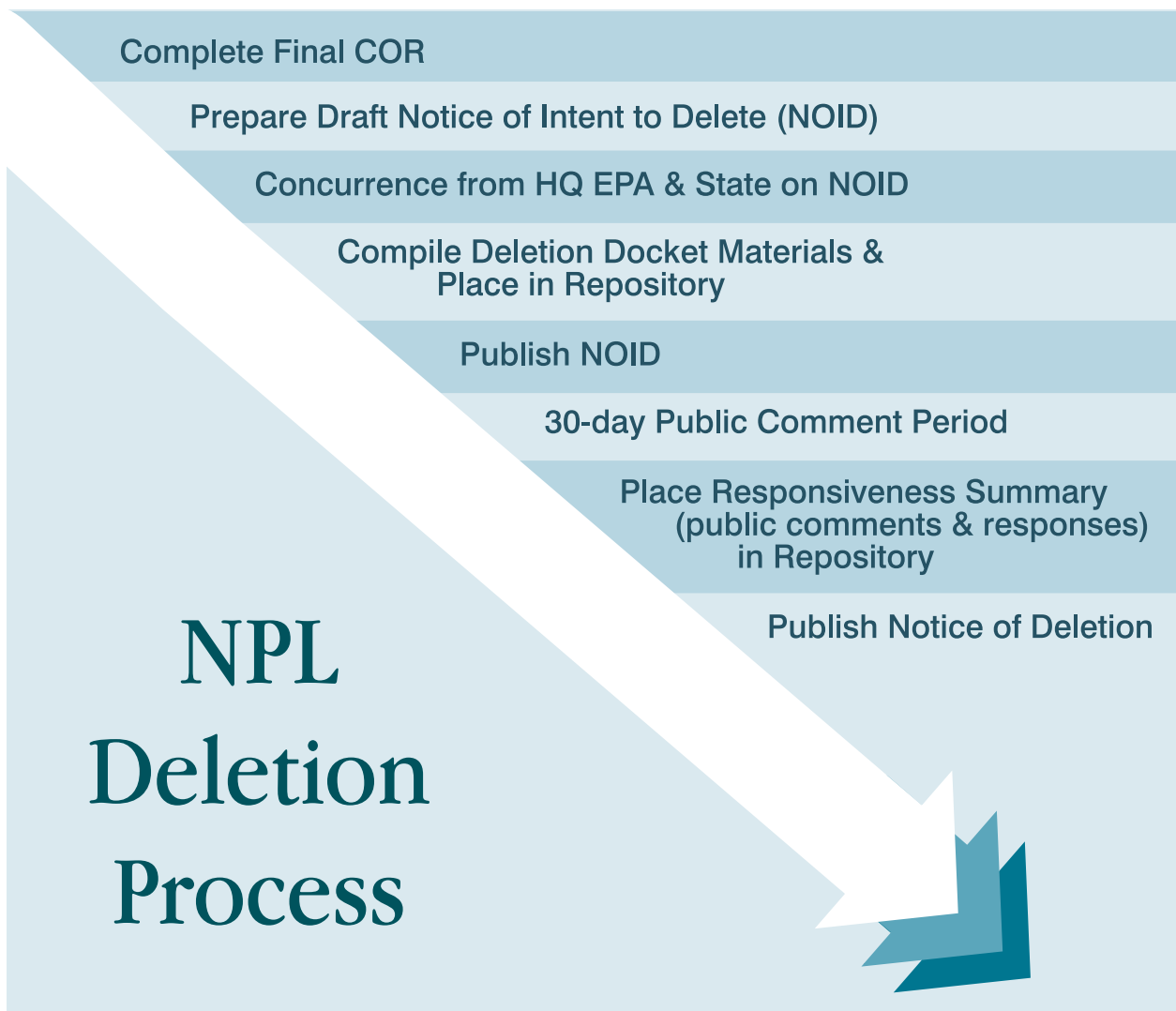
Construction Completion is supported through documentation of all response actions in a Preliminary Closeout Report (PCOR). The PCOR builds on the Remedial Action Reports that should have been completed for each of the individual site remedial actions. The PCOR focuses on all operable units or individual sites on the installation, including a description of all releases, site conditions, all construction activities, completion of construction, Five-year Reviews, and a

detailed schedule of steps remaining to site completion. Where the final action for an installation, along with preceding actions, results in achievement of all remediation goals, Construction Completion will occur simultaneously with Site Completion and will be documented in a Final Closeout Report (FCOR). The Construction Completion milestone is achieved when the designated EPA Regional official signs the PCOR of FCOR.

Site Completion signifies the end of all response actions as NPL sites. Site Completion means that the response actions at the site were successful and no further CERCLA response is required to

protect human health and the environment. Site Completion is documented through a FCOR. The FCOR documents compliance with statutory requirements and provides a consolidated record of all removal and remedial activities for the entire site. The FCOR describes how the cleanup was accomplished and provides the overall technical justification for Site Completion. The FCOR is approved by the EPA Regional Administrator following coordination at EPA Headquarters and the state.

Armed with the Final Closeout Report, the EPA Regional Office initiates the NPL deletion process illustrated below:



## Summary

The majority of the Army's NPL sites have been on the NPL since 1990, well before guidance on NPL completion and deletion has been available beyond the criteria established under the NCP. Numerous actions have been taken at these installations and not all have been documented to the degree required under the existing guidance. The purpose of this fact sheet is to highlight those requirements and point the installation project manager to more detailed EPA guidance on documenting remedial actions in preparation for site completion and NPL deletion. Preparation of Preliminary and Final Close Out Reports is intended to build on existing documentation of implemented remedies. The installation needs to be aware of the information requirements of the Close Out Reports to ensure future actions are sufficiently documented and to assess and plan the effort needed to provide required information for past actions. The purpose of the FCOR is to support the conclusion that efforts conducted on an NPL installation are sufficient to ensure the continued protection of human health and the environment. The installation needs to be prepared to provide strong rationale to support the position, to the satisfaction of the EPA and state, that there is no additional CERCLA action required to ensure protectiveness. The process can go smoothly if all the right information is available. The installation can ensure success by understanding what is needed and planning ahead.

## More Information

For more information on the site completion and deletion process and documentation required to support these actions refer to the following guidance or contact:

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- Closeout Procedures for National Priorities List Sites, OSWER Directive 9320.2-09A-P, January 2000  
<http://www.epa.gov/superfund/resources/closeout/>
- Environmental Site Closeout Process Guide, January 1999  
<http://www.afbca.af.mil/closeout/>